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MAY 16 2007REMARKS

Claims 1, 3, 5, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24 and 25 currently remain in the application. Claims 2, 4, 6, 7, 8, 11, 14, 17, 20, 23 and 26 have been canceled and claims 1, 10, 13, 16, 22 and 25 are herein amended.

Regarding the matter of the first three lines in page 2 of the Official Letter, applicant is filing a priority document together with this Amendment.

Claims 1-26 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner is requested, however, to reconsider the rejection on these grounds because, according to the opinion of applicant, persons skilled in the art of sterilization can practice the invention based on the disclosure as currently being made. This point will be made clearer in what follows. In part in response to the Examiner's rejection, however, claim 1 is herein amended to incorporate the limitations of claim 2.

Regarding the Fo value, it is an index commonly known by persons skilled in the art of sterilization, defined as  $Fo = t \times 10^{(T-250)/18}$  where t is the time (in minute) and T is the temperature (in °F) such that if temperature is given while Fo is known, as in the case of claim 1 herein, the time can be calculated accordingly. If the steps of increasing and releasing pressure are carried out at the rate of 1 cycle/minute, the total will be t cycles. If these steps are carried out at the rate of 4 cycles per minute, the total will be 4t cycles.

As for the degree of evaporation, it is to be noted that the temperature at the time of increasing pressure and that at the time of releasing pressure as well as the temperature difference between the two times are all known. Thus, evaporation is understood to be the kind of evaporation that can be expected under these temperature conditions. If the phenomenon of evaporation is too strong, temperature drops too much and the temperature difference becomes too large. If the evaporation is too weak, the temperature drop will be small and the temperature difference will also become smaller. If the temperatures at the times of increasing pressure and releasing pressure are known as described above and the temperature difference is also known, the level of evaporation also comes to be automatically determined.

According to the present invention, it is important to repeat increasing and releasing pressure at the rate of 1-4 cycles/minute under the temperature conditions described above. It is not important how quickly or slowly this is done.

In summary, persons skilled in the art are believed to be enabled by the disclosure to control the evaporation according to this invention if the conditions stated in claim 1 are given.

Claims 1-26 were rejected under 35 U.S.C. 103 over Tsen in view of Meyer. Tsen describes a method of preparing canned and retorted pasta products by placing dried spaghetti in cans, filling them with water and sealed, and thereafter carrying out a retort process. This is nothing but a well known process for retorted food products.

According to the method of claim 1 herein, after a container is filled with pasta and water, the pasta is boiled inside a retort without sealing it. The container is sealed inside a sterilized (clean) chamber later separate from the retort. Thus, the process is different from Tsen's disclosure.

As the pasta is boiled without the container being sealed according to claim 1, a portion of the pasta floats up and would fail to be boiled sufficiently. In order to prevent this, pressure is increased and released repeatedly such that the water is boiled intermittently and the foams generated by the boiling will cover the floated portions of the pasta. Tsen's method does not have this problem because the retort is sealed and is filled with water and the spaghetti being boiled will not float up above the water surface.

Meyer describes an ultra high pressure good preservation process under a condition of 50000psi (or about 340MPa) or more. Pressure is increased according to the present invention but only to a level of about 0.13MPa, which is hardly comparable to the ultra high pressure contemplated by Meyer.

Moreover, Meyer requires the container to be sealed (Column 6, lines 41-43) and air to be removed from inside (column 6, lines 1-2). In this regard, too, Meyer's process is substantially different from the method of this invention.

Thus, it is believed that these references, even if considered in combination, will not predicate the Examiner's rejection on the ground of obviousness.

In summary, it is believed that the present Amendment is totally responsive to the Office Action and hence that the application is now in condition for allowance.

Respectfully submitted,

  
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